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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,312	01/29/2004	Robert Jewett	16795-002001	5488

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,312

Applicant(s)

JEWETT ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clamp recited in claims 15, 17, 33, 35 and 39 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6-10, 12-14, 18-32, 36-38 and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Merker et al.

In regard to claim 1, Merker et al. discloses an article for connecting a fluid conduit and a fluid container, the article comprising:

A receptacle 12 configured to receive the fluid conduit, the receptacle including a base defining an opening for providing communication between the container and the fluid conduit 26 and a sealing surface 19 at least partially surrounded by a wall 12 extending from the base, the wall configured to extend about the fluid conduit.

In regard to claim 2, wherein the opening 18 of the base is capable of fluid communication with the fluid conduit 26, the sealing surface providing a seal 20 to inhibit leakage as fluid moves along a fluid passageway defined, at least in part, by the opening of the base and the fluid conduit.

In regard to claim 6, wherein the wall 12 defines a passageway 22 extending from an outer surface of the wall to an inner surface of the wall.

In regard to claim 7, wherein the receptacle is suitable for use as part of a sanitary plumbing connection.

In regard to claim 8, Merker et al. discloses an article for connecting a fluid conduit and a fluid container, the article comprising:

A collar 32 defining an opening therethrough, the opening configured to receive the fluid conduit 26; and

A receptacle 12 configured to receive the fluid conduit, the receptacle including a base defining an opening for providing communication between the container and the fluid conduit and a sealing surface 19 at least partially surrounded by a wall extending from the base, the wall configured to extend about the fluid conduit.

In regard to claim 9, a sealing member 20 seated adjacent the sealing surface.

In regard to claim 10, the sealing member 20 is a gasket.

In regard to claim 12, the receptacle is configured to receive the collar and the fluid conduit, and the wall configured to extend about the collar.

In regard to claim 13, further comprising a fastener 33 configured to secure the collar to the receptacle.

In regard to claim 14, the fastener is defined by a threaded outer surface of the collar and a mating threaded inner surface of the wall.

In regard to claim 18, further comprising a fluid conduit 26 extending through the opening of the collar.

In regard to claim 19, the fluid conduit includes a flange 27 extending from an outer surface at an end of the fluid conduit.

In regard to claim 20, the flange of the fluid conduit is positioned between the collar and sealing surface.

In regard to claim 21, the collar includes a seating surface configured to seat against a surface of the flange of the fluid conduit.

In regard to claim 22, an end of the fluid conduit defines a second sealing surface.

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In regard to claim 23, further comprising a sealing member 20 positioned between the sealing surfaces of the base and the fluid conduit.

In regard to claims 24 and 37, Merker et al. discloses an article disposed on the container, the article comprising

A receptacle 12 configured to receive a fluid conduit, the receptacle including a base 13 defining an opening for providing fluid communication between the container and the fluid conduit and a sealing surface at least partially surrounded by a wall extending from the base, the wall configured to extend about the fluid conduit.

In regard to claim 25, the base defines an outer surface, opposite the sealing surface that is affixed to the container.

In regard to claim 26, the outer surface of the base is affixed by welding 16.

In regard to claim 27, the outer surface of the base is welded to a surface of the container about at least one of an inner diameter 17 of the opening of the base and an outer diameter 16 of the periphery of the base.

In regard to claim 28, the outer surface of the base is welded 16 to the surface of the container about both the inner diameter of the opening 17 of the base and the outer diameter of the periphery of the base 16.

In regard to claim 29, the connector assembly further comprises a collar 32 defining an opening therethrough, the opening configured to receive the fluid conduit.

In regard to claim 30, the receptacle is configured to receive the collar and fluid conduit, the wall configured to extend about the collar.

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In regard to claims 31 and 38, further comprising a fastener configured to secure the collar to the receptacle.

In regard to claims 32 and 40-41, the fastener is defined by a threaded outer surface of the collar and a mating threaded inner surface of the wall.

In regard to claim 36, further comprising a fluid conduit extending through the opening of the collar.

In regard to claim 42, the collar is seated against a flanged surface of the fluid conduit.

In regard to claim 43, an end surface of the fluid conduit is seated within the receptacle.

4. Claims 8-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowell.

In regard to claim 8, Merker et al. discloses an article for connecting a fluid conduit and a fluid container, the article comprising:

A collar e defining an opening therethrough, the opening configured to receive the fluid conduit b; and

A receptacle d, f configured to receive the fluid conduit, the receptacle including a base d' defining an opening for providing communication between the container and the fluid conduit and a sealing surface at least partially surrounded by a wall extending from the base, the wall configured to extend about the fluid conduit.

In regard to claim 9, a sealing member c seated adjacent the sealing surface.

In regard to claim 10, the sealing member c is a gasket.

In regard to claim 11, the sealing surface defines a groove b2 configured to mate with a rib defined by a surface of the sealing member c.

In regard to claim 12, the receptacle is configured to receive the collar and the fluid conduit, and the wall configured to extend about the collar.

In regard to claim 13, further comprising a fastener (threads on e) configured to secure the collar to the receptacle.

In regard to claim 14, the fastener is defined by a threaded outer surface of the collar and a mating threaded inner surface of the wall.

In regard to claim 15, the fastener is a clamp j (see fig. 2).

In regard to claim 16, the collar and the receptacle each include a flange extending outwardly from an associated outer surface (flanges through which the bolts pass).

In regard to claim 17, further comprising a clamp j for providing a force at a surface of the flanges capable of securing the collar and receptacle.

In regard to claim 18, further comprising a fluid conduit b extending through the opening of the collar e.

In regard to claim 19, the fluid conduit includes a flange b' extending from an outer surface at an end of the fluid conduit.

In regard to claim 20, the flange of the fluid conduit is positioned between the collar and sealing surface.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merker et al. Merker et al. discloses an assembly as described above, but does not disclose the exact materials that the assembly is made out of. However, it would have been obvious to make the assembly out of the materials recited by the Applicant because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

7. Claims 33-35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merker et al. in view of Cowell. Merker et al. discloses an assembly as described above, but does not disclose the use of a clamp. Cowell et al. teaches that using either a collar and a receptacle or a clamp are equivalents in the art. Therefore it would have been obvious to substitute the receptacle and collar of Merker et al. with a clamped flange, as taught by Cowell, because the two types of fastening structures are well known equivalents in the art, as demonstrated by Cowell.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gustafson, Houck, Hauff, Angelis, Nelson and Freedlander all disclose similar couplings common in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David B. Bochna", with a stylized flourish at the end.

David E. Bochna
Primary Examiner
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